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Patrick Ayoub

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07/17/2006

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EXAMINER

VANTERPOOL, LESTER L

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

This is action is in response to applicant's amendment received on April 17, 2006.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Shafer, Jr. et al., (U.S. Patent Publication Number 2004 / 0050889). Shafer, Jr. et al., discloses the front cross car bar (26) (See Figure 1) and the back cross bar (28) (See Figure 1) each of which are adapted to extend across the trunk space (See Paragraph 0017 & 0018) (See Figure 1);

The pair of front recesses (130) and the pair of back recesses (132) (See Figure 1) each pair of which are located at respective opposite sides of the trunk space (See Paragraph 0028) (See Figure 1), wherein the pair of front recesses (130) support respective opposite ends of the front cross car bar (26) (See Figure 1) and the pair of back recesses (132) support respective opposite ends of the back cross car bar (28) (See Figure 1) and the front (26) and back (28) cross car bars are respectively

removably (See Figure 2) supported by the pairs of front (130) and back (132) recesses (See Paragraph 0028) (See Figures 1 & 2); and

At least one storage container (140) removably supported by the front (26) and back (28) cross car bars (See Paragraph 0028) (See Figure 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 & 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shafer, Jr. et al., (U.S. Patent Publication Number 2004 / 0050889 A1) in view of Dixon (U.S. Patent Number 5713502). Shafer, Jr. et al., discloses the invention substantially as claimed. Shafer, Jr. et al., discloses the storage container (140) (See Figure 1) so as to be supported by the front (26) and back (28) cross car bars. See Figure 1.

However, Shafer, Jr. et al., does not disclose the storage container fits over the front and back cross bars.

Dixon teaches the storage container (10) fits over the front (30) and back (30) cross bars (See Figure 1) for the purpose of providing anchoring stability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the storage container fit over the front and back cross bars as taught by Dixon with the truck space storage system of Shafer, Jr. et al., in order to enhance anchoring stability.

Regarding claim 7, Dixon discloses the length of each of the front (30) and back (30) cross bars can be adjusted (See Column 2, lines 32 – 37) (See Figure 3) for the purpose of providing flexibility to accommodate various vehicle sizes and shapes.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the length of each of the front and back cross bars can be adjusted as taught by Dixon with the trunk space storage system of Shafer, Jr. et al., in order to enhance reliable fitting with various vehicles.

Response to Arguments

5. Applicant's arguments with respect to claim 1, 4 & 7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue

requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JES F. PASCUA
PRIMARY EXAMINER

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June 27, 2006